



**APPROVED
MINUTES
COMMUNITY DEVELOPMENT COMMISSION MEETING
Tuesday, April 22, 2014, City Council Chambers
400 South Vine Street, Urbana, IL 61801**

Call to Order: Chairperson Cobb called the meeting to order at 7:03 p.m.

Roll Call: Kelly Mierkowski called the roll. A quorum was present.

Commission Members Present: Fred Cobb, Janice Bengtson, Chris Diana (in at 7:10pm) Jerry Moreland, Lisabeth Searing, and Anne Heinze Silvis.

Commission Members Excused/Absent: George Francis

Others Present: Kelly H. Mierkowski and Jennifer Gonzalez, Community Development Services.

Approval of Minutes: *Chairperson Cobb asked for approval or modifications to the March 25, 2014 minutes. Commissioner Silvis moved to approve the minutes with the correction and Commissioner Searing seconded the motion. The motion carried unanimously.*

Petitions and Communications: None.

Staff Report: Kelly Mierkowski, Grants Management Division Manager, provided a brief overview of the staff report provided to the Commissioners. The only item received from HUD was our official notification letter re grant allocations; a copy of the updated budget was provided to the Commissioners to show the amounts received from HUD for CDBG and HOME. Also noted on the staff report were activities that staff completed and meetings staff attended.

Old Business: None

New Business: Ms. Mierkowski stated there is no new business, but indicated that a study session would be held instead giving information re Fair Housing Month, since April is Fair Housing. Ms. Mierkowski stated that Ms. Gonzalez would be discussion Fair Housing.

Study Session: Fair Housing

Ms. Gonzalez stated each year HUD, along with communities such as Urbana, recognize Fair Housing Month and do various activities. This year we decided to show a video that HUD produced, which we thought was a pretty good video. It is about 20 minutes long and addresses some of the more current fair housing issues that are going on in our country today. All of the case studies they are looking at are actually happening in New York, but there is no reason to say that those sorts of occurrences are not taking place in our community. So, Ms. Gonzalez indicated that we would start by watching the video and then afterwards she would highlight some of the additional classes that are protected in Urbana that she was unaware of before looking into this subject. Ms. Gonzales stated she found it to be rather interesting and that she had a story of her own to go along with this.

The Commission then watched the video, entitled “A Matter of Place.” At the conclusion of the video, Ms. Gonzalez commented on the handout that she had passed out, which compares what has been passed nationally (highlighted in blue) by the Fair Housing Act and all the amendments that have come after it and highlights in yellow the things that are added by the City of Urbana’s code. The City has added over the years creed, class, appearance, sexual preference, matriculation (i.e. basically are you a student or not), political affiliation, prior arrest or conviction record, and source of income, which is way ahead of the game than a lot of cities.

Ms. Gonzalez stated that the definitions are provided in the handout; one thing she found that was interesting was her impression that familial status, under the Federal Code, was about a married couple vs single people vs dating couples, but it has nothing to do with that. Familial status refers to families with kids, so landlords and people selling homes cannot discriminate against people with children; at least in terms of the legislation, that is the only thing they have focused on. It is appreciated that the City of Urbana cares to separate that out; they have marital status and this definition of family responsibilities, which also encompasses people who are foster parents, looking to adopt, etc.

Ms. Gonzalez stated that what is interesting is that she ran into this situation in Champaign, because she has two roommates, all of whom are young working professionals, and had been walking in her old neighborhood. She saw a For Rent sign and the lady, who is assumed to be the owner, was standing outside. Ms. Gonzalez approached her and asked if the place was for rent and for how much. The woman asked her who she lives with and would not tell her how much it rented for. Ms. Gonzalez told her that she lives with her friends and we all work in town; the woman stated that it would probably be too expensive for her because she is looking to rent the place to a family. Ms. Gonzalez stated that, at the time, she thought the woman was not allowed to do this.

So, after looking into this, Ms. Gonzalez stated that technically under the national classes that are protected, she was allowed to do that, so there are certain exceptions. If you own two homes, live in one, and rent the other, if you do not manage more than three properties you are allowed to discriminate essentially (i.e. as it is considered like mom and pop, so you can select who you want to live in your houses). The house was probably a house that her family used to live in, but they still hold on to and rent it out. However, it would probably not be allowed in Urbana, which we can check with Todd Rent (Human Relations Officer) on that. But based on the added classes of marital status, family responsibilities, sources of income, and matriculation, she would probably not be allowed to do that in Urbana. The other exception, which probably more people know more about, is if the owner of the unit lives in the unit and is renting out either rooms in their house to people or even if it is a four-unit complex and they happen to live in one, such as a bunch of townhouses or a row of four houses, they could live in one and pick whoever they want for the other three units that are connected; those are the exceptions.

Ms. Gonzalez stated that is what she wanted to highlight that she found interesting and to encourage everyone to have discussions with friends and family about these things, especially if you hear something and it seems like a red flag to you, similar to the conversation that Ms. Gonzalez had with the landlord/owner, which seemed like a red flag. Encouraging these sorts of conversations (is important) and it is also really interesting that in this field they go after the landlords and the realtors.

So, on some other issues they focus on educating the victim, i.e. protecting yourself, but since the law is so heavily involved, this entire act is upheld by the legal system, that they have to go top down which is why they deal with the realtors. Ms. Gonzalez asked if there were any questions or comments, or examples of situations.

Commissioner Silvis commented that at one time she thought there were testers in the community. Ms. Gonzalez stated that we tried to place that in our Analysis of Impediments to Fair Housing, but it was not something that we could pursue. The Commission at the time was not interested in doing this; back in 2009 when the Analysis was brought to the Community Development Commission, they were not interested. But to her knowledge, she was unsure if it had been done in the past, however if it was done by anyone it would be the Tenant Union. Commissioner Silvis also asked if there was any cost in doing this, in that maybe it was felt the money could be better spent on something that was more closely tied to improving physical infrastructure. Ms. Gonzalez stated that from an historical perspective, it would be interesting to know.

Ms. Gonzalez also commented that it would be interesting to do for educational purposes, not necessarily to catch people in the act (of violating), as some may not know that certain things are not allowed in Urbana. Someone may own property in both Champaign and Urbana, and they don't know the difference, although Todd Rent, who is our Human Relations Officer, said the languages are actually pretty similar (for both cities), that there isn't that much of a difference. Ms. Gonzalez stated that the only difference is source of income, which is the one that she is aware of (that Urbana protects source of income), so if you have a Section 8 Voucher, the landlord cannot refuse to rent to someone solely on the basis of them paying for their rent with a voucher from the Housing Authority. That is not the case in Champaign, Champaign still has that option; Ms. Gonzalez encouraged Commissioner Diana to speak as well since he is a realtor.

Commissioner Diana apologized for being late, that he sat through a four-hour training session that day with Fred Underwood (Director of Diversity, Community and Political Affairs, National Association of Realtors), and asked where this particular film came from. Ms. Gonzalez stated that HUD emailed this film to us at the beginning of the month, and assumed that this was a new video, but agreed to send the link to the Commissioners. Commissioner Diana stated he was simply curious, as many of those do and as was noted there, and one might be a little touchy in his profession as they are always talking about realtors, but that is rarely where the discrimination comes from, as noted in her story.

Commissioner Diana also stated that there are enforcers in every community, on the state and federal level, who go through here all the time, and it has probably been about 15 years since there was a discrimination complaint against a realtor or property manager. There is plenty of it, but it is the general public who has involvement, but it rarely gets reported unfortunately. It is restrictive to everyone, when it really comes down to it; the law applies to everybody uniformly, but the difference is that people who are licensed, like realtors, etc., have consequences if they are found in violation of it, which get very expensive and costly to their livelihood, whereas if it is not reported, or even if it is, there are very slim consequences to someone who is renting their own property regardless of what they are doing.

Commissioner Diana further stated Fred (Underwood) would say, as a native Urbana-ite whose folks still live here in town, that actually the State of Illinois is considerably more restrictive than the Federal Government, and within the State of Illinois, Urbana probably has the most restrictive law as Fred

[Underwood] will regularly say; there is state, federal, local, and Urbana, which in actually the phrase in our code that says “any other discrimination based upon categorizing or classifying a person rather than evaluation a person’s unique qualifications...” means anything and everything can be discrimination in Urbana technically. So, it is about the broadest statute anywhere in the country when it comes down to that, so we should be enforcing it and there should be either no possible violations or almost everything should be, one or the other. It is a pretty broad and all-encompassing statute that we have.

Chairman Cobb asked how much of a problem it is, i.e. how many complaints does Urbana receive, and Ms. Gonzalez stated that she had Todd Rent put together the complaints from the last year, that she then passed out to the Commissioners. The City does not get a ton of complaints, just in speaking briefly with Todd Rent, he was saying that a lot of these issues are not necessarily being reported or they are not as prevalent as they were back in the day, but there are still some that come up. As you can see on the report, there are various situations; a lot of these complaints, in particular the ones on the bottom, they were not within the jurisdiction of the City. This involves people calling the City of Urbana with a complaint, who will speak directly with Todd Rent. They can file an actual complaint, which it looks like there are some filings that happened in April, where things are being put together.

Ms. Gonzalez stated that a lot of the time, Mr. Rent is able to work it out with the landlord, once he informs them of the law and the ramifications, and they then realize that this probably isn’t the road they want to go down and “change their tune” (so to speak). Ms. Gonzales stated this is her understanding that they prefer to have things figured out just in conversation with the landlord, because it is the cheapest way for everything to go down anyway. And then there are other times when someone does not necessarily want to follow through, because maybe they ended up finding another apartment and they just want to drop it because it is stressful. But, the protected classes that he has seen over the last fiscal year were national origin, race/ethnicity; a few people who were coming with Section 8 vouchers who were being denied, but it looks like for at least one of the Section 8 there was no actual injury, so it was probably more of a miscommunication; race, sexual orientation, and retaliation, which is interesting but unfortunately was not in our jurisdiction. Regarding retaliation, if somebody knows they are violating a protected class, they can sometimes make threats to somebody who is saying that they are going to complain about this and they make threats against them. This is probably seen more in the field of persons with disabilities, if they are requesting modifications and the landlord says no, that he will evict the person instead; that is not allowed either.

Commissioner Bengtson asked a question about undocumented people and Ms. Gonzalez clarified the question, that undocumented means unregistered aliens. Ms. Gonzalez stated that was a very good question and Commissioner Diana stated that it depends on the area and the jurisdiction. In Urbana, that would not be a reason to discriminate, but depending upon what the restrictions are, for instance, renting a premise and not being able to provide adequate ID, would be a possibility where you may have someone undocumented and complaining, with the complaint that they were being discriminated because they were undocumented. But, if they actually had no documents and could not verify who they were, that might be a legitimate restriction for whoever was managing the property. Ms. Gonzalez commented that they probably could not run a credit report, and Commissioner Diana concurred, stating that you could not verify who they were or if they were credit worthy or anything like that, which could be a shade of gray. Commissioner Diana also commented that he was interested in the three (dispositions) on the bottom (of the report), i.e. jurisdiction, meaning what? Ms. Gonzalez explained that this was probably someone actually in Champaign calling Urbana and didn’t realize that they were

calling the wrong city. Commissioner Diana stated that one would say, and maybe that does not apply as broadly as it does in real estate terms, but there is no such thing as “no jurisdiction.” If you are observing something which is classified, since it is in violation of the statutes, it is classified as a crime, that is reportable anywhere you are. Ms. Gonzalez stated that she assumes Todd Rent does not drop these cases, and Commissioner Diana stated that he assumes that we probably transferred the complaint to Champaign, which might be better than saying no jurisdiction or transferred jurisdiction, as it appears we are saying “not our problem.” Ms. Gonzalez stated that the City of Champaign has a similar position over there to deal with this stuff, and that they work with the C-U Tenant Union for additional resources.

Commissioner Diana stated interestingly enough, where you see in our business, the greatest level of discrimination is not amongst the sellers, but is amongst the buyers. So, for instance, should Fred approach him to buy a property and designates that he only wanted it to be in certain areas or neighborhoods, Commissioner Diana stated he is compelled not to work with him and actually needs to report that fact. Discrimination by buyers is much more common than discrimination by sellers, saying they only want to live in this neighborhood or that neighborhood. And, sometimes they are very clear about where they want to live or not live, and why; it is not something that can be accommodated.

Chairperson Cobb stated that the report indicated several that are “no basis,” under Protected Class Basis and was wondering what that meant. Ms. Gonzalez stated that, as she had indicated before, it is similar to miscommunication, where someone was interpreting it as discrimination, but they had bad credit; there is a legitimate reason they were turned down. So, they could have been inferring it was discrimination because they got rejected, but if looking into it further, the landlord says they had terrible credit which is why he couldn’t rent to them, it is a moot point at that point. Chairperson Cobb followed up with a question, asking who investigates these allegations; is it the Human Relations Commission. Ms. Gonzalez stated that Todd Rent is the key person who communicates these things, and if someone files a complaint, the Human Relations Commissions oversees everything. Ms. Gonzalez stated that she was not sure, as far as taking things to court and filing the complaint, what the Commissions role is; it is in the City Code. Commissioner Diana stated that those Commissions normally make recommendations to the City or States Attorney’s for action as a result of whatever they come up with; that is what they are charged to do.

Commissioner Searing asked what would happen if any of these were in the township? Would that be a no jurisdiction? And, where would that person go or be referred to? Ms. Gonzalez stated that Cunningham Township does encompass part of the City of Urbana, so if it was someone in the County, then they would be referred to Champaign County Regional Planning Commission over at the Brookens Administration Center. It is assumed they would have some kind of spokesperson there that people could talk with; otherwise the C-U Tenant Union would be able to take any complaints and work with anybody because they work in both cities, particularly with the students. Commissioner Diana stated that is probably where some of the no jurisdiction comes in, as it is an easier avenue in Champaign or Urbana to find where you can go to file a complaint, so sometimes they will gather the information and then forward it on to whatever body needs to deal with it from there.

Chairperson Cobb asked Ms. Gonzalez about her specific incident and what was the landlady objecting to. Ms. Gonzalez stated that they were looking to rent to a family, so someone who was actually going to stick around for a while. She legitimately could have done this by stating that she was only signing three-year leases; that would have been one way of achieving her outcome without actual

discriminating, but instead not telling Ms. Gonzalez what the rent was and that she could not afford it, etc.; it was very interesting but she did not pursue it any further. This was probably a mom and pop type situation, these are people who probably moved out of their starter home, but they did not want to let it go or could not sell it for what they wanted, so they are renting it out. In Urbana, Ms. Gonzalez stated that the law will protect folks like her, but nationally, it is not a protected class, they are exempt from upholding these protected classes. There is less education, especially if you are a person renting out a house has never done this before and has not been to realtor classes, and has not pursued education in this particular area; Ms. Gonzalez stated it is probably common.

Commissioner Searing stated if there is one thing that she hears, regarding people who rent an apartment over their garage, they won't rent to students. She stated that she never fully realized that, at least in Urbana even if it is a single property, they can't say that. But does it apply if they are living in the house, what are the exceptions to the rule; for example, "it is my house, I have an apartment over the garage, and I said I was not going to rent to students, because I am living there, that is technically allowed?" Or, is it not allowed? Ms. Gonzalez stated that she believed in Urbana it was not allowed, but thinks that is where it gets fuzzy; nationally it is allowed, i.e. that person could choose not to rent to students and it would be perfectly fine; they would be within their rights. But, in Urbana, it is really all encompassing. Commissioner Searing asked if there are exceptions then, if you own a couple of properties. Commissioner Diana stated that it is allowed nationally and by the State of Illinois, but it does get gray in Urbana, because of that one phrase which appears to encompass pretty much everything. It is hard to get around that one phrase.

Ms. Gonzalez stated that Commissioner Diana was referring to the line in the second paragraph in the handout that was passed out, i.e. "or any other discrimination based upon categorizing or classifying a person rather than evaluating a person's unique qualifications relevant to an opportunity in housing, etc." But, she noted that matriculation is in the code; that is a status as a student. Commissioner Searing stated that the wording "an opportunity," means any opportunity, there isn't anyone who doesn't have to comply with this goal, in Urbana. Commissioner Searing stated that this would be the new thing that she can say to people who tell her they don't want to rent to students.

Commissioner Diana stated that doing these laws can be difficult because what you are always trying to create with the law is a more equal basis, and there being no good intention that goes unpunished, usually every time you make one regulation it creates a new way to get around it. So, for instance, in a college town community like Urbana, if you maintain the idea that a single family residence could discriminate against virtually anybody you wanted to, you would have two kinds of rental properties in Urbana, i.e. the multi-unit ones, which had no discrimination in them and the second one (single family homes) which could have any sorts [of discrimination] you wanted, so in a sense you would create communities by having put in a law that tried to get away from that, so you have to keep adding another layer here and there to try to fine tune it to get away from that. Any town in the Midwest that has a lot of single family homes that may have a room or two rooms, whatever that can be rented to students, if you don't have regulations like that, you all of a sudden find you have two different communities.

Ms. Gonzalez stated that Urbana still has the exception that if you are renting out specific rooms in your house and Commissioner Diana clarified that it is rooms in your house which is different from a unit; you are allowed to discriminate or discern. Commissioner Diana stated that you are allowed to be selective. Ms. Gonzalez stated that you are looking for references in that instance, calling previous places that they have listed. Commissioner Bengtson commented about renting an apartment to

someone who did not pay their rent, and Ms. Gonzalez stated that you would evict them, as that would be a legal reason to do so; you are not discriminating against someone if they are not paying their rent; that is part of a legal contract. Commissioner Bengtson stated that you would not be stuck with them, and Ms. Gonzalez stated no. Commissioner Diana stated that is why it is always recommended that you have a lease with your kids.

Chairperson Cobb stated that he wanted clarification for himself, as he thought he heard something about three units or more, i.e. if you were renting out and have three or more units, did he hear correctly? Ms. Gonzalez stated that it is actually three units or less; nationally speaking, unless there are other local laws like we have in Urbana, are exempt from the Fair Housing regulations, so you could discriminate. If you have four or more units, it is assumed that you are running a business and it is a significant source of income for you, then you have to obey these laws; but in Urbana, no one is exempt.

Chairperson Cobb asked for any input and Ms. Gonzalez stated that we would be drafting another Analysis of Impediments to Fair Housing Choice, so this will come up again on the agenda. As far as the process, we did public hearings last time, but did not do focus groups. We may actually wrap it up together with our Consolidated Planning process, because that is pretty intense and is coming up this fall, too. So, we will probably be ramping up our report, getting new data out there, speaking with Todd Rent, having interviews with the Executive Director of the Champaign-Urbana Tenant Union, definitely more conversations. This will be a report that you will be able to comment on, we could take it back and make adjustments, which is what we did last time before we actually take it on to Council. This report also does not have the same deadline as other reports, so we would not be under as much pressure to push it through. So, if you have significant suggestions or requests, we will be amenable to that; we will keep you posted, as action will be required down the road.

Adjournment: Seeing no further business, Chairperson Cobb adjourned the meeting at 8:03pm.

Recorded by Kelly H. Mierkowski, Manager

APPROVED